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March 18, 2003

VIA HAND DELIVERY

The Honorable Magalie Roman Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Errata to Indices Included With March 3, 2003 Filing,
San Diego Gas & Elec. Co. v. Sellers, et al.,
Docket Nos. EL00-95-075, *et al.*

Dear Ms. Roman Salas:

The People of the State of California, *ex rel.* Bill Lockyer, Attorney General, the California Electricity Oversight Board, the California Public Utilities Commission, Pacific Gas and Electric Company, and Southern California Edison Company (the California Parties) enclose for filing Errata to the Executive Summary Index and the Indices of Relevant Material (collectively, the Indices) submitted with their March 3, 2003 filing.

These errata are submitted in response to comments from a number of Parties concerning errors in the California Parties' Indices. These errata seek to correct the errors in the indices that have been identified to date by the California Parties and other Parties. However, the California Parties emphasize that the Indices are NOT submitted as evidence. The California Parties' evidence consists of the sworn testimony of its witnesses and various documentary exhibits. The Indices are provided solely as an aid to reviewing that evidence. In the event of any inconsistencies between the Indices and the evidence, the evidence is controlling.

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The errata to the Indices of Relevant Material are being submitted under seal in accordance with 18 C.F.R. § 388.112 because they correct materials that are currently under seal. These errata, like the March 3, 2003 filing itself, are subject to the California Parties' Motion, filed March 3, 2003, to make public all materials submitted.

These errata are being served on all parties upon which the California Parties served the underlying March 3, 2003 filing. Any other Party wishing to receive these errata should contact the California Parties by e-mail at dctmpla11@steptoe.com, certifying they have signed the Protective Order and are eligible to review materials designated "Not Available to Competitive Duty Personnel."

Thank you for your assistance in this matter. If you have any questions concerning this filing, please do not hesitate to call me.

Sincerely,

Richard L. Roberts
Attorney for Southern California Edison Company

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing documents to be served on all parties that were served with the California Parties' March 3, 2003 filing by First Class Mail. In addition, the Errata to the Executive Summary index are being served electronically via Listserv and the Errata to the Indices of Relevant Materials are being made available via email to any party that has executed the Protective Order in this proceeding.

Dated at Washington, D.C., this eighteenth day of March, 2003.

Catherine M. Giovannoni
STEPTOE & JOHNSON LLP
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Washington, D.C. 20036
(202) 429-3000
cgiovann@steptoe.com

	<p>135; CA-136; CA-137; CA-139; CA-141; CA-144; CA-145; CA-146; CA-147; CA-148; CA-149; CA-150; CA-151; CA-153; CA-155; CA-156; CA-157; CA-158; CA-159; CA-161; CA-163; CA-164; CA-165; CA-166; CA-168; CA-170; CA-172; CA-173; CA-174; CA-175; CA-176; CA-179; CA-181; CA-187; CA-188; CA-189; CA-190; CA-193; CA-194; CA-192; CA-195; CA-198; CA-201; CA-202; CA-204; CA-205; CA-206; CA-210; CA-212; CA-214; CA-216; CA-217; CA-222; CA-226; CA-229; CA-233; CA-234; CA-235; CA-237; CA-238; CA-239; CA-242; CA-243; CA-246; CA-249; CA-250; CA-251; CA-258; CA-261; CA-263; CA-264; CA-265; CA-268; CA-270; CA-271; CA-272; CA-274; CA-276; CA-277; CA-278; CA-279; CA-280; CA-285; CA-287; CA-288; CA-289; CA-190; CA-291; CA-292; CA-294; CA-297; CA-299; CA-300; CA-301; CA-302; CA-303; CA-304; CA-305; CA-306; CA-307; CA-308; CA-309; CA-310; CA-311; CA-312; CA-314; CA-316; CA-317; CA-319; CA-322; CA-325; CA-326; CA-327; CA-335; CA-336; CA-338; CA-339; CA-340; CA-343.</p>	<p>Deleted: CA-140;</p> <p>Deleted: CA-160;</p> <p>Deleted: CA-182;</p> <p>Deleted: CA-259;</p> <p>Deleted: CA-266;</p> <p>Deleted: CA-315;</p> <p>Deleted: CA-321;</p> <p>Deleted: CA-329; CA-330; CA-331; CA-332;</p> <p>Deleted: ; CA-348</p>
<p>Finding of Fact</p>	<p>Prices in the ISO and PX Spot Markets from October 2, 2000 to June 20, 2001 were unjust and unreasonable.</p>	
<p>Relief Requested</p>	<p>Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.</p>	
<p>Index Exhibit Number (s) pertaining to the Finding of Fact</p>	<p>CA-1; CA-2; CA-7; CA-8; CA-11; CA-12; CA-13; CA-14; CA-15; CA-16; CA-17; CA-18; CA-20; CA-21; CA-22; CA-25; CA-26; CA-27; CA-28; CA-29; CA-31; CA-32; CA-35; CA-36; CA-37; CA-38; CA-39; CA-40; CA-41; CA-42; CA-43; CA-44; CA-45; CA-46; CA-47; CA-48; CA-49; CA-50; CA-51; CA-54; CA-55; CA-56; CA-57; CA-58; CA-59; CA-61; CA-63; CA-64; CA-65; CA-66; CA-67; CA-68; CA-69; CA-70; CA-71; CA-72; CA-73; CA-74; CA-75; CA-76; CA-77; CA-78; CA-79; CA-80; CA-81; CA-82; CA-84; CA-85; CA-86; CA-88; CA-89; CA-90; CA-92; CA-93; CA-94; CA-95; CA-96; CA-97; CA-98; CA-99; CA-100; CA-101; CA-102; CA-103; CA-104; CA-105; CA-106; CA-108; CA-109; CA-111; CA-112; CA-113; CA-114; CA-115; CA-118; CA-119; CA-120; CA-121; CA-122; CA-123; CA-124; CA-125; CA-126; CA-127; CA-128; CA-</p>	<p>Deleted: CA-34;</p>

	129; CA-130; CA-131; CA-132; CA-133; CA-136 ; CA-137; CA-138; CA-140; CA-141; CA-142; CA-143; CA-145; CA-146; CA-148; CA-149; CA-150; CA-158 ; CA-161; CA-164; CA-165; CA-166 ; CA-167; CA-168; CA-169; CA-170; CA-171; CA-172; CA-173; CA-174; CA-175; CA-176; CA-178; CA-179; CA-182; CA-187; CA-188; CA-189; CA-191; CA-192 ; CA-193; CA-194; CA-195; CA-196; CA-197; CA-200; CA-201; CA-202; CA-204; CA-205; CA-206; CA-207; CA-209; CA-210; CA-212; CA-213; CA-214; CA-216; CA-217; CA-222; CA-227; CA-228; CA-229; CA-230; CA-231; CA-232; CA-233; CA-234; CA-235; CA-236; CA-237; CA-238; CA-239; CA-242; CA-243; CA-246; CA-248; CA-250 ; CA-251; CA-261 ; CA-263; CA-264; CA-265; CA-268 ; CA-270; CA-271 ; CA-272 ; CA-274; CA-276; CA-277; CA-278; CA-279; CA-280; CA-285; CA-287 ; CA-288; CA-289; CA-290; CA-291; CA-292; CA-294; CA-296; CA-297; CA-299; CA-300; CA-301; CA-303; CA-304; CA-305; CA-306; CA-307; CA-308; CA-309; CA-310; CA-311; CA-312; CA-313; CA-314; CA-315; CA-316; CA-317; CA-319; CA-320; CA-321; CA-322; CA-324; CA-325; CA-326; CA-327; CA-328; CA-331 ; CA-333 ; CA-334; CA-335; CA-336; CA-338; CA-339; CA-340; CA-342; CA-343; CA-346.	Deleted: CA-134; Deleted: CA-155; Deleted: CA-249; Deleted: CA-258; CA-259; Deleted: CA-266; Deleted: CA-329; CA-330; Deleted: CA-332; Deleted: ; CA-348
Finding of Fact	Sellers withheld from the market.	
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.	
Index Exhibit Number(s) pertaining to the Finding of Fact	CA-1; CA-2; CA-3; CA-4; CA-6; CA-7 ; CA-8 ; CA-22; CA-30 ; CA-33; CA-39; CA-42 ; CA-48 ; CA-51 ; CA-52; CA-53; CA-57; CA-60; CA-61; CA-64; CA-66; CA-68; CA-70; CA-74 ; CA-76; CA-78; CA-79; CA-81; CA-88; CA-96; CA-100; CA-102; CA-103; CA-104; CA-107; CA-118; CA-138; CA-139; CA-143; CA-147; CA-148; CA-150; CA-152; CA-153; CA-154; CA-158; CA-162; CA-164; CA-165; CA-167; CA-169; CA-171; CA-173; CA-174; CA-178; CA-180; CA-181; CA-183 ; CA-184; CA-186 ; CA-188; CA-190; CA-196; CA-198; CA-199; CA-203; CA-228; CA-231; CA-232; CA-237; CA-241; CA-245; CA-248; CA-249 ; CA-250; CA-256; CA-258; CA-261; CA-263; CA-265; CA-268; CA-270; CA-274; CA-276;	Deleted: CA-21; Deleted: CA-26; CA-29; Deleted: CA-40; Deleted: CA-43; CA-45; CA-46; CA-47; Deleted: CA-49; Deleted: CA-72; Deleted: 9

	CA-278; CA-283; CA-284; CA-287; CA-290; CA-291; CA-292; CA-296; CA-297; CA-302; CA-303; CA-306; CA-307; CA-308; CA-309; CA-310; CA-311; CA-312; CA-314; CA-315; CA-316; CA-317; CA-326; CA-340
Finding of Fact	Sellers falsely reported to the ISO that generating units were forced out of service for mechanical reasons when the plant's own records show that the plant was capable of normal operation.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-9 ; CA-10
Finding of Fact	Sellers placed units on "reserve shutdown" meaning that they shut the plant down for economic reasons when no maintenance was required, during times when the ISO had declared a system emergency.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit	CA-9 ; CA-10; CA-17; CA-18; CA-60

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Number (s) pertaining to the Finding of Fact	
Finding of Fact	Sellers withheld by not bidding their output into the market even though the plant was fully operational. This withholding behavior occurred during numerous system emergencies.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-6; CA-7; CA-8; CA-9; CA-10; CA-27; CA-33; CA-39; CA-42; CA-51; CA-57; CA-61; CA-64; CA-66; CA-68; CA-70; CA-74; CA-76; CA-78; CA-79; CA-81; CA-88; CA-270; CA-291
Finding of Fact	Sellers withheld generation from the market by bidding high, and in excess of its costs, so as to deliberately price itself out of the market.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit	CA-5; CA-6; CA-7; CA-8; CA-9 ; CA-10; CA-33; CA-39; CA-42; CA-51;

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- Deleted: CA-29;
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- Deleted: CA-43; CA-45; CA-46; CA-47; CA-49;
- Deleted: CA-72;
- Deleted: CA-165;
- Deleted: CA-289;

Number (s) pertaining to the Finding of Fact	CA-57; CA-61; CA-64; CA-66; CA-68; CA-70; CA-74; CA-76; CA-78; CA-79; CA-81; CA-88; CA-102; CA-141; CA-146; CA-148; CA-190; CA-223; CA-247; CA-270; CA-291; CA-346; CA-348
Finding of Fact	Sellers generated uninstructed to bypass organized markets.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-1; CA-2; CA-22; CA-38; CA-66; CA-145; CA-238; CA-291; CA-305; CA-325;
Finding of Fact	Sellers submitted bids in the ISO and PX Markets in order to exercise market power.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of	CA-1; CA-2; CA-7; CA-8; CA-34; CA-36; CA-37; CA-38; CA-44; CA-54; CA-55; CA-62; CA-78; CA-100; CA-102; CA-103; CA-105; CA-118; CA-126; CA-138; CA-141; CA-142; CA-144; CA-145; CA-147; CA-152; CA-154; CA-156; CA-165; CA-167; CA-171; CA-189; CA-190; CA-193;

- Deleted: CA-72;
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- Deleted: CA-348

Fact	CA-198; CA-203; CA-206; CA-226; CA-229; CA-231; CA-232; CA-242; CA-248; CA-249; CA-250; CA-258; CA-290; CA-291; CA-296; CA-298; CA-300; CA-301; CA-302; CA-304; CA-305; CA-319; CA-320; CA-321; CA-322; CA-323; CA-324; CA-326;	Deleted: CA-289; Deleted: CA-331
Finding of Fact	Sellers participated in false load schedules.	
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.	
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-1; CA-2; CA-13; CA-14; CA-38; CA-71; CA-74; CA-78; CA-105; CA-121; CA-145; CA-167; CA-171; CA-176; CA-202; CA-206; CA-229; CA-270; CA-271; CA-291; CA-300; CA-302; CA-324; CA-336	Deleted: CA-34; Deleted: CA-49; Deleted: CA-118; Deleted: CA-289;
Finding of Fact	Sellers participated in Megawatt Laundering or "Ricochet."	
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.	
Index Exhibit Number (s) pertaining to the Finding of	CA-1; CA-2; CA-13; CA-14; CA-38; CA-39; CA-56; CA-65; CA-67; CA-70; CA-72; CA-73; CA-74; CA-76; CA-78; CA-79; CA-82; CA-89; CA-94; CA-105; CA-122; CA-123; CA-128; CA-137; CA-140; CA-145; CA-150; CA-168; CA-179; CA-188; CA-189; CA-196; CA-206; CA-217; CA-	

Fact	229; CA-270; CA-271; CA-291 ; CA-319; CA-321; CA-322; CA-323; CA-327; CA-328; CA-332; CA-333; CA-339; CA-348	Deleted: CA-289;
Finding of Fact	Seller participated in “Death Star” or other Congestion Games.	
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers’ refusals to sell to the ISO.	
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-1; CA-2; CA-78; CA-79; CA-80; CA-86; CA-87; CA-88; CA-93; CA-99; CA-106; CA-108; CA-109; CA-113; CA-117; CA-118; CA-125; CA-129; CA-132; CA-133; CA-145; CA-151; CA-160 ; CA-164; CA-184; CA-206; CA-227; CA-229; CA-270; CA-271; CA-290 ; CA-291 ; CA-301; CA-326; CA-329; CA-330; CA-348	Deleted: CA-289;
Finding of Fact	Sellers double sold Ancillary Services Capacity.	
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers’ refusals to sell to the ISO.	
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-1; CA-2; CA-145; CA-206; CA-236; CA-270; CA-271; CA-291	Deleted: CA-289;

Finding of Fact	Sellers participated in the “Get Shorty” strategy of selling non-existent Ancillary Services to the ISO.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers’ refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-1; CA-2; CA-19; CA-25; CA-75; CA-78; CA-79; CA-112; CA-118; CA-149; CA-206; CA-229; CA-236; CA-270; CA-271; CA-291; CA-300
Finding of Fact	Sellers shared non-public generation outage information.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers’ refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-1; CA-2; CA-7 ; CA-8; CA-105; CA-184; CA-249; CA-258

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Finding of Fact	Sellers participated in collusive acts.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-1; CA-2; CA-7; CA-8; CA-22 ; CA-26; CA-32; CA-56 ; CA-64; CA-65; CA-67; CA-69; CA-70; CA-72; CA-73; CA-79; CA-81; CA-82 ; CA-86; CA-88; CA-89; CA-90; CA-93; CA-95; CA-96; CA-97; CA-98; CA-100; CA-103; CA-104; CA-105; CA-111; CA-118; CA-119; CA-120; CA-122; CA-123; CA-126; CA-128; CA-135 ; CA-140; CA-145; CA-157; CA-160 ; CA-161; CA-164; CA-167 ; CA-168; CA-169 ; CA-170; CA-171; CA-172; CA-179; CA-187; CA-188; CA-194; CA-204 ; CA-206; CA-210; CA-227; CA-229; CA-235; CA-239; CA-246; CA-249; CA-251; CA-252; CA-253; CA-254; CA-255; CA-256; CA-258; CA-260 ; CA-261; CA-263; CA-264; CA-270 ; CA-271; CA-290 ; CA-291; CA-302; CA-304; CA-313; CA-320; CA-327 ; CA-328; CA-333 ; CA-334; CA-335; CA-342; CA-343;
Finding of Fact	Seller withholding and other market manipulation, not buyer underscheduling, led to forced reliance on the Real-Time Market.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s)	CA-1; CA-2; CA-3; CA-4; CA-7; CA-8; CA-15; CA-16; CA-17; CA-18; CA-20; CA-21; CA-22; CA-25; CA-26; CA-27; CA-28; CA-29; CA-30;

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- Deleted: CA-321;
- Deleted: CA-329; CA-330; CA-331; CA-332;
- Deleted: CA-345; CA-348

<p>pertaining to the Finding of Fact</p>	<p>CA-31; CA-32; CA-33; CA-34; CA-35; CA-36; CA-37; CA-38; CA-39; CA-40; CA-42; CA-43; CA-44; CA-45; CA-46; CA-47; CA-48; CA-49; CA-50; CA-51; CA-52; CA-53; CA-54; CA-55; CA-56; CA-57; CA-58; CA-59; CA-61; CA-62; CA-63; CA-64; CA-65; CA-66; CA-67; CA-68; CA-70; CA-71; CA-72; CA-73; CA-74; CA-75; CA-76; CA-77; CA-78; CA-79; CA-80; CA-81; CA-82; CA-85; CA-86; CA-88; CA-89; CA-90; CA-93; CA-94; CA-95; CA-96; CA-97; CA-98; CA-99; CA-100; CA-101; CA-102; CA-103; CA-104; CA-105; CA-107; CA-108; CA-109; CA-111; CA-112; CA-113; CA-114; CA-115; CA-117; CA-118; CA-119; CA-120; CA-121; CA-122; CA-123; CA-124; CA-126; CA-127; CA-128; CA-129; CA-130; CA-131; CA-132; CA-133; CA-134; CA-135; CA-136; CA-137; CA-138; CA-139; CA-140; CA-141; CA-142; CA-143; CA-145; CA-147; CA-148; CA-149; CA-150; CA-151; CA-152; CA-154; CA-155; CA-156; CA-157; CA-158; CA-160; CA-161; CA-162; CA-163; CA-164; CA-165; CA-166; CA-167; CA-168; CA-171; CA-172; CA-173; CA-174; CA-175; CA-176; CA-178; CA-179; CA-181; CA-182; CA-183; CA-184; CA-186; CA-187; CA-188; CA-189; CA-190; CA-191; CA-192; CA-193; CA-194; CA-196; CA-198; CA-199; CA-200; CA-202; CA-203; CA-204; CA-206; CA-209; CA-211; CA-212; CA-213; CA-214; CA-215; CA-216; CA-217; CA-223; CA-226; CA-228; CA-229; CA-230; CA-231; CA-232; CA-233; CA-234; CA-235; CA-236; CA-237; CA-238; CA-239; CA-240; CA-241; CA-242; CA-243; CA-245; CA-246; CA-247; CA-248; CA-249; CA-250; CA-251; CA-256; CA-258; CA-261; CA-263; CA-264; CA-265; CA-268; CA-270; CA-271; CA-272; CA-274; CA-276; CA-277; CA-278; CA-279; CA-280; CA-283; CA-284; CA-285; CA-287; CA-288; CA-289; CA-290; CA-291; CA-293; CA-296; CA-297; CA-299; CA-300; CA-301; CA-302; CA-303; CA-304; CA-305; CA-306; CA-307; CA-308; CA-309; CA-310; CA-311; CA-312; CA-313; CA-314; CA-315; CA-316; CA-317; CA-326; CA-331; CA-334; CA-338; CA-340; CA-342; CA-346; CA-348</p>
<p>Finding of Fact</p>	<p>The border price indices currently used in the refund calculations pursuant to the <i>July 25th Refund Order</i> are not appropriate for use in this proceeding.</p>
<p>Relief Requested</p>	<p>Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was</p>

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	filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-15; CA-16; CA-33; CA-57; CA-58; CA-77; CA-85; CA-136; CA-145; CA-205; CA-207; CA-230; CA-260; CA-270; CA-271; CA-275; CA-291; CA-298
Finding of Fact	California's environmental regulations were not a primary driver in restricting output or increasing costs from power plants during the summer of 2000.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-11; CA-12; CA-23; CA-24; CA-27; CA-195; CA-270; CA-271; CA-291; CA-295; CA-298
Finding of Fact	Energy exchange transactions should be subject to refund.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals

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	to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-7; CA-8; CA-44; v
Finding of Fact	Sales greater than 24 hours should be subject to refund.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number (s) pertaining to the Finding of Fact	CA-55
Finding of Fact	Dynergy and AES may have engaged in wash trades in the RECLAIM market in July and August 2000.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number(s)	CA-11; CA-12

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Complete Executive Summary Template

Submitter (Party Name)	California Parties
Contact or Representative (Name, Org., Address and Phone No.)	Richard L. Roberts (202) 429-6756 Catherine M. Giovannoni (202) 429-8072 Steptoe & Johnson LLP 1330 Connecticut Avenue, N.W. Washington, D.C. 20036
Finding of Fact	Prices in the ISO and PX Spot Markets before October 2, 2000 were not consistent with Sellers' market-based rate tariffs and those of the ISO and PX.
Relief Requested	Given the totality of the wrongful conduct involved, it is not possible to isolate the harmful effects of any one violation or any one bad actor. The Commission, therefore, should (1) reduce the market clearing prices in the ISO and PX spot markets to the Mitigated Market Clearing Price cap for the period from May 2000 through June 20, 2001, (2) apply the MMCP to all spot market sales in the ISO and PX, even if the seller was able to coerce the ISO into out-of-market sales of as long as one month or into energy exchanges rather than sales for cash, and (3) apply the MMCP to all short-term sales to the California Energy Resources Scheduler that was filling the role originally filled by the PX or responding to sellers' refusals to sell to the ISO.
Index Exhibit Number(s) pertaining to the Finding of Fact	CA-1; CA-2; CA-7 ; CA-8; CA-11; CA-16; CA-17; CA-18; CA-20; CA-21; CA-22; CA-25; CA-27 ; CA-28; CA-29; CA-31; CA-32; CA-33; CA-34; CA-35; CA-36; CA-38; CA-39; CA-40; CA-41; CA-42; CA-43; CA-45; CA-46; CA-47; CA-48; CA-49; CA-50; CA-51; CA-52; CA-53; CA-56 ; CA-57; CA-58; CA-59; CA-60; CA-61; CA-62; CA-63; CA-64; CA-65; CA-66; CA-67; CA-68; CA-69; CA-70; CA-71; CA-72; CA-73; CA-74; CA-75; CA-76; CA-77; CA-78; CA-79; CA-80; CA-82 ; CA-84; CA-85; CA-86; CA-87; CA-88; CA-89; CA-93; CA-94; CA-95; CA-96; CA-97; CA-98; CA-99; CA-100; CA-101; CA-102; CA-105; CA-106; CA-107; CA-108; CA-109; CA-111; CA-112; CA-113; CA-114; CA-115; CA-117; CA-118; CA-119; CA-120; CA-121; CA-122; CA-123; CA-124; CA-126; CA-127; CA-128; CA-129; CA-130; CA-131; CA-132; CA-133; CA-

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